

CAUSE NO. 22-CV-0675

EXHIBIT GC042

SALT & PEPPER RESTAURANTS, INC., § IN THE DISTRICT COURT
Plaintiff §
§
v. § GALVESTON COUNTY, TEXAS
§
TIGHT ENDS SPORTS BAR & GRILL, LLC §
and TIMOTHY DUNGAN, §
Defendants § 56th JUDICIAL DISTRICT

**EXHIBIT LIST – DEFENDANTS’ MOTION TO DISSOLVE WRIT OF
GARNISHMENT**

1. Business Record Declaration.

Respectfully submitted,

John Henry & Associates, PLLC

/s/ John P. Henry
John P. Henry
State Bar No. 24055655
407 West Liberty Street
Round Rock, Texas 78664
(512) 981-7301
jhenry@jhenrylaw.com
ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served in accordance with the Texas Rules of Civil Procedure on the parties listed below on this 28th day of July, 2022.

/s/ John P. Henry
John P. Henry

Preston Kamin
Gray Reed
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
ATTORNEYS FOR PLAINTIFF
VIA ELECTRONIC SERVICE and
EMAIL pkamin@grayreed.com

CAUSE NO. 22-CV-0675

SALT & PEPPER RESTAURANTS, INC.,	§	IN THE DISTRICT COURT
Plaintiff	§	
v.	§	GALVESTON COUNTY, TEXAS
TIGHT ENDS SPORTS BAR & GRILL, LLC	§	
and TIMOTHY DUNGAN,	§	
Defendants	§	56th JUDICIAL DISTRICT

BUSINESS RECORD DECLARATION

1. My name is Timothy Dungan. I am a defendant in this case, as is Tight Ends Sports Bar & Grill, LLC, an entity in which I have an ownership interest and of which I am the manager member and chief executive officer.

2. I am over the age of 18 and competent to testify to the matters stated in this

Business Record Declaration.

3. This declaration is made on personal knowledge and every statement in it is true and correct.

4. I am also the custodian of records of Tight Ends Sports Bar & Grill, LLC and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities.

5. Attached is 1 page of records. This is the original record or an exact duplicate of the original record.

6. The record was made at or near the time of each act, event, condition, opinion, or diagnosis set forth.

7. The record was made by, or from information transmitted by, persons with knowledge of the matters set forth. Specifically, this record was made from information

transmitted from Prosperity Bank, a Texas bank headquartered in Houston with locations throughout Texas.

8. The record is incorporated and kept in the course of regularly conducted business activity, and it is the regular practice of the business activity to make the record. Specifically, Tight Ends often enquires about its current account balances with Prosperity Bank and receives written balance information in response. These records are incorporated by Tight Ends and kept in the course of regularly conducted business activity.

9. Tight Ends typically relies upon the accuracy of the content of documents from the bank in order to allocate its capital and maintain positive cash flow.

10. Circumstances indicate the trustworthiness of the record, where I logged in to my account using my secure username and password in order to check my account balance information and the record in question was produced in direct response by Prosperity Bank's application (with which I regularly interact) and saved to my device.

11. Finally, I verified the facts contained in the record by logging in to my secure account application with the bank. The balances were the same.

12. My name is Timothy Dungan. My date of birth is May 8, 1968, and my address is 1603 Wildfire Lane, Frisco, TX 75033. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, Texas, on the 28th day of July, 2022.



Timothy Dungan



Deposit Accounts

TX C RYALCKG x8339

Available Balance

Current Balance

A large, scribbled-out signature in black ink, appearing to be a signature of "Timothy M Dungan".

TX C SMPLY FREE x83371

Available Balance

Current Balance

A large, scribbled-out signature in black ink, appearing to be a signature of "Timothy M Dungan".

TX C SMPLY FREE x83363

Available Balance

Current Balance

A large, scribbled-out signature in black ink, appearing to be a signature of "Timothy M Dungan".

TIGHT ENDS SPORTS BAR & GRILL

x7432

Available Balance

Current Balance

\$595,981.07

\$1,501,139.98

TIGHT ENDS SPORTS BAR & GRILL LLC

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

John Henry on behalf of John Henry

Bar No. 24055655

jhenry@jhenrylaw.com

Envelope ID: 66773207

Status as of 7/28/2022 3:32 PM CST

Associated Case Party: Salt & Pepper Restaurants, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Preston TKamin		pkamin@grayreed.com	7/28/2022 3:28:00 PM	SENT
Tyler J.McGuire		tmcguire@grayreed.com	7/28/2022 3:28:00 PM	SENT

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Bar No. 24055655

jhenry@jhenrylaw.com

Envelope ID: 66773207

Status as of 7/28/2022 3:32 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jackie Kish		jkish@grayreed.com	7/28/2022 3:28:00 PM	SENT